IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN.APPLICATION NO.369 OF 2004

M/s.Sharad Electronics & ors. ... Applicants

versus

M/s.Desai Engineering Pvt.Ltd

and another ... Respondents

...

Mr.M.B. Badkar, with Ms. Lakshmi Murali, for the Applicant.

Mr.Atul P. Vanarse, for the Respondent No.1.

Mr. K.V. Saste, A.P.P., for the Respondent No.2.

...

CORAM : A.M.KHANWILKAR,J.

18th March 2005

P.C.:

. As it is stated that settlement with regard to the disputes pending between the parties is not possible, this Court has no option but to proceed with the matter on merits. Accordingly, Counsel for the Applicants was heard

on merits.

. The only argument canvassed before this Court is that the amount towards compensation directed to be paid by the lower Court in the sum of Rs.1,90,000/- by each of the accused Nos. 2, 3 and 4 is excessive. This submission clearly overlooks the legal position that having recorded finding of guilt against the accused, the Court could have granted compensation to the extent of double the amount involved in the cheque. Instead of awarding that compensation, the Court below has thought it appropriate to adjust the equities by awarding amount which is commensurate with reasonable interest for the period between which the amount remained outstanding. It is on that basis the Court has directed the accused Nos. 2, 3 and 4 to pay sum of Rs.1,90,000/- each towards compensation, which amount comes to Rs.5,70,000/- only, which is far below double the amount of the cheque in question. Viewed in this perspective, it is not possible to accept the argument that the compensation amount awarded by the lower Court is excessive. Hence, dismissed.

(A.M.KHANWILKAR,J.)